

EXHIBIT BB

1 Scott D. Cunningham (State Bar No.: 200413)
CONDON & FORSYTH LLP
2 1901 Avenue of the Stars, Suite 850
Los Angeles, California 90067-6010
3 Telephone: (310) 557-2030
Facsimile: (310) 557-1299
4 Email: scunningham@condonlaw.com

5 -and-

6 Marshall S. Turner (*pro hac vice*)
CONDON & FORSYTH LLP
7 7 Times Square
New York, NY 10036
8 Telephone: (212) 490-9100
Facsimile: (212) 370-4453
9 Email: mturner@condonlaw.com

10 Attorneys for Plaintiff and Counter-Defendant
ALL NIPPON AIRWAYS COMPANY, LTD.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 ALL NIPPON AIRWAYS COMPANY,) LTD.,

15 Plaintiff,

16 vs.

17 UNITED AIR LINES, INC.,

18 Defendant.

Case No. C07-03422 EDL

DECLARATION OF
MARSHALL S. TURNER
IN SUPPORT OF ANA'S
PRODUCTION OF DOCUMENTS

19 AND RELATED COUNTER-CLAIM

20
21 DECLARATION OF MARSHALL S. TURNER

22 Marshall S. Turner, being duly sworn, deposes and says:

23 1. I am an attorney and a member of the law firm of Condon & Forsyth LLP,
24 attorneys for plaintiff All Nippon Airways Co., Ltd. ("ANA") in the above-
25 captioned matter. I make this declaration pursuant to the Court's Order dated
26 January 22, 2008 denying United Air Lines, Inc.'s Motion to Compel and in
27 support of ANA's production of documents responsive to the document requests
28 made by defendant United Air Lines, Inc. ("UAL").

1 2. With respect to Request Nos. 1 and 8 of UAL's First Request to Produce
2 concerning ANA's "lost use" damages and repair costs, ANA has produced all
3 documents in its possession, custody, or control that support its claims for
4 damages. See Bates Nos. ANA 001295-001335 and 001355-001623.

5 3. With respect to Request Nos. 2 through 4 of UAL's First Request to
6 Produce concerning disciplinary actions against the members of ANA's flight
7 crew, ANA has not produced any document because these individuals have not
8 been the subject of any such action. Accordingly, ANA is not aware of any
9 document responsive to these requests.

10 4. With respect to Request No. 5 of UAL's First Request to Produce
11 concerning ANA's CVR recording, ANA has not produced the same because it is
12 not discoverable pursuant to 49 U.S.C. §§ 1114, 1154.

13 5. With respect to Request No. 6 of UAL's First Request to Produce and
14 Request No. 2 of the document requests listed in Exhibit A of UAL's Fourth
15 Amended Notice of Taking Video Depositions concerning ANA's Pilot Files, the
16 pilots' aviation certificates were all produced at or prior to their depositions. The
17 pilots' training records were produced by each pilot at his deposition in redacted
18 form. Upon entry of the revised Confidentiality Order, ANA will produce copies
19 of all such documents, including unredacted copies of each pilot's training record,
20 and has reserved Bates Nos. ANA 001624-001646 for documents responsive to
21 these requests.

22 6. With respect to Request No. 7 of UAL's First Request to Produce and
23 Request No. 3 of the document requests listed in Exhibit A of UAL's Fourth
24 Amended Notice of Taking Video Depositions concerning documents related to
25 the Standard Ground Handling Agreement ("SGHA"), ANA has produced copies
26 of emails between the parties discussing the SGHA in effect on the date of the
27 Accident which it believes to be all responsive documents in its possession,
28

1 custody, or control. See Bates Nos. ANA 001336-001346.

2 7. With respect to Request No. 9 of UAL's First Request to Produce
3 concerning photographs and video, ANA has produced photographs, the FAA
4 Radio and Ramp Control communications, the FAA Tower video, the Security
5 Camera video, and the Spot 10 Video which it believes to be all responsive
6 documents in its possession, custody, or control. See Photographs, Bates Nos.
7 ANA 001071, 001072, 001114 through 001129, 001154 through 001206, and
8 001347 through 001354. See Video, CD, and/or DVD, Bates Nos. ANA 001134-
9 001136, 001138, and 001140.

10 8. With respect to Request No. 10 of UAL's First Request to Produce
11 concerning ANA policy relative to ANA pilots clearing potential conflicts with
12 other aircraft prior to or during taxi, ANA is not aware of any document responsive
13 to this request.

14 9. With respect to Request No. 1 of the document requests listed in Exhibit A
15 of UAL's Fourth Amended Notice of Taking Video Depositions concerning
16 ANA's investigation file, ANA produced its investigation file in its Rule 26 initial
17 disclosure which it believes to be all responsive documents in its possession,
18 custody, or control. See Bates No. ANA 001001-001294.

19 10. With respect to Request Nos. 4 through 7 of the document requests listed in
20 Exhibit A of UAL's Fourth Amended Notice of Taking Video Depositions
21 concerning ANA's Operations Manual (which was served upon ANA fewer than
22 four (4) business days before the commencement of the depositions), publications
23 required to be onboard, and routing charts, ANA has produced (i) the English
24 version of the relevant section of the ANA Operations Manual currently in effect;
25 (ii) the Japanese version of the relevant section of the ANA Operations Manual in
26 effect on October 7, 2003 concerning "In-Flight" operations; (iii) the entire
27 Japanese version of the ANA Operations Manual that is currently in effect; and (iv)
28

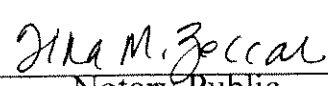
1 the relevant Jeppesen charts. ANA believes it has produced all relevant documents
2 that are responsive to UAL's requests and, at the "meet and confer" meeting on
3 January 24, 2008, offered to reconstruct manuals in effect on October 7, 2003 that
4 UAL identifies as relevant to this litigation.

5 I declare under penalty of perjury under the laws of the United States of
6 America that the foregoing is true and correct.

7 Executed this 29th day of January, 2008, at New York, New York.

8
9 
10 Marshall S. Turner

11 Sworn to before me this
12 29th day of January, 2008

13 
14 Notary Public

15 TINA M. ZOCCALI
16 Notary Public, State of New York
17 No. 01ZO6059025
18 Qualified in Rockland County
19 Commission Expires May 21, 20 11

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **DECLARATION OF MARSHALL S. TURNER IN SUPPORT OF ALL NIPPON AIRWAYS COMPANY, LTD'S PRODUCTION OF DOCUMENTS** was mailed this 29TH day of January, 2008, to:


Scott R. Torpey, Esq.
Jaffe, Raitt, Heuer & Weiss
2777 Franklin Road, Suite 2500
Southfield, MI 48034-8214
Phone: (248) 727-1461
Fax: (248) 351-3082

Attorneys for defendant

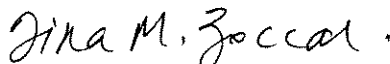
Jeffrey A. Worthe, Esq.
Worthe, Hanson & Worthe
The Xerox Centre
1851 East First Street, Ninth Floor
Santa Ana, CA 92705

Attorneys for defendant

in a properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.


HEATHER L. JACKSON

Sworn to before me this
29th day of January, 2008



Notary Public

TINA M. ZOCCALI
Notary Public, State of New York
No. 01ZO6059025
Qualified in Rockland County
Commission Expires May 21, 20 11